

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DOMINIQUE SIMONS,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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No. 3:14-cv-0008

Judge Sharp

ORDER

Movant Dominique Simons, a federal prisoner presently housed at USP McCreary in Pine Knot, Kentucky, brings this *pro se* action pursuant to 28 U.S.C. § 2255 to set aside, vacate and correct an allegedly illegal sentence imposed by Judge Thomas A. Wiseman, Jr. of this Court on August 8, 2012.

As explained in the accompanying Memorandum Opinion, the Court finds that Mr. Simons is not entitled to relief on the basis of the grounds articulated in his petition. Accordingly, his motion (ECF No. 1) is hereby **DENIED** and this matter is **DISMISSED**.

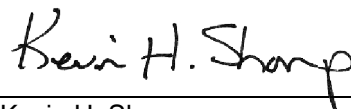
The Court must issue or deny a certificate of appealability ("COA") when it enters a final order adverse to a § 2255 movant. Rule 11(a), Rules Gov'g § 2255 Proceedings. The movant may not take an appeal unless a district or circuit judge issues a COA. 28 U.S.C. § 2253(c)(1)(B); Fed. R. App. P. 22(b)(1). A COA may issue only if the movant "has made a substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2), and the COA must "indicate which specific issue or issues satisfy the [required] showing" 28 U.S.C. § 2253(c)(3). A "substantial showing" is made when the movant demonstrates that "reasonable jurists could debate whether (or, for that matter, agree that) the [motion] should have been resolved in a different manner or that the issues presented were "adequate to deserve encouragement to proceed further."'" *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)). "[A] COA does not require a showing that the appeal will succeed." *Miller-El*, 537 U.S. at 337. Courts should not issue a COA as a matter of course. *Id.*

In this case, the record conclusively establishes that the movant is not entitled to relief. Because an appeal by the movant on any of the issues raised in this petition would not merit further attention, the

Court **DENIES** a COA. The movant may, however, seek a COA directly from the Sixth Circuit Court of Appeals.

It is so **ORDERED**.

This is a final order for purposes of Fed. R. Civ. P. 58.

A handwritten signature in black ink that reads "Kevin H. Sharp". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Kevin H. Sharp
United States District Judge